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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
2903

In/Re Application **GERSTNER, K., ET AL**

JUL 15 2004

Application No.

10/812,161

Filing Date

03/29/2004

Examiner

Customer No.

278

Group Art Unit

Confirmation No.

Title: **METHOD AND APPARATUS FOR DETECTING FAULTS...**

Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
- ☐ the statement specified in 37 CFR 1.97(e);
- OR**
- ☐ the fee set forth in 37 CFR 1.17(p).

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Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☐ The Director is hereby authorized to charge and credit Deposit Account _____ as described below.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☐ Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. _____)

(Date)

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Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on **JULY 13, 2004** th the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

MICHAEL J. STRIKER

Typed or Printed Name of Person Mailing Certificate

***This certificate may only be used if paying by deposit account.**

Signature

Dated: **JULY 13, 2004**

CC:



UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner:.

Group: Attorney Docket # 2903

Applicant(s): GERSTNER, K., ET AL

Serial No.: 10/812,161

Filed: 03/29/2004

For : METHOD AND APPARATUS FOR DETECTING
FAULTS...

INFORMATION DISCLOSURE STATEMENT

July 13, 2004

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

S I R S:

___ In accordance with the Duty of Disclosure, Applicant(s) submit(s) herewith a copy of a Foreign Search Report in a counterpart application and copies of the reference(s) indicated therein.

___ In the event that the Foreign Search Report is in a foreign language, a translation thereof is herewith submitted.

X Attached hereto is a FORM PTO 1449 listing the references.

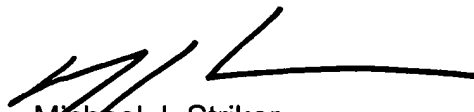
___ Attached hereto is a copy of a reference cited in the specification of the application as filed. The specification itself recites the relevance of these documents, and pursuant to M.P.E.P. Section 609 A (3) this represents an acceptable Statement of Relevancy. The reference(s) appear(s) at the following page(s) and line(s) of the specification:

___ Applicant petitions for consideration of this Information Disclosure Statement since it is being submitted after receipt of an office action. It is respectfully requested that the required fee be charged to the account of the undersigned: 19-4675.

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- ☒ Attached hereto are copies of references cited which may be pertinent to this application. Since the references are in the English language, no statement of relevancy is submitted.
- ☐ Attached hereto is a copy of the Office Action issued in the corresponding German and European applications, together with a translation thereof and copies of the references cited therein. A list of the cited references is also attached.
- ☐ Attached hereto copies of references cited which may be pertinent to this application. An English translation of the reference is also attached.
- ☒ Attached hereto is a Statement of Relevancy and copies of references cited therein.
- ☐ Relevancy is indicated in an English language abstract attached hereto.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', with a long horizontal flourish extending to the right.

Michael J. Striker
Attorney for Applicant(s)
Reg. No. 27233

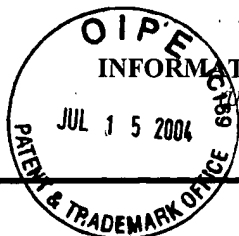


Relevance of DE 201 21 763 U1 for Gerstner

This reference discloses an apparatus for testing a pane-like workpiece, especially a glass pane, for surface and interior faults or defects, in which a detector, especially a photo camera, scans a continuously moving workpiece and takes at least two photographs and after that the multiple photographs of each section are compared with each other. The method of this reference comprises illuminating the defects or fault using a combination of a bright field light source 5 and a dark field light source 7.

However this reference cannot be used by itself to reject the invention of the Gerstner patent as anticipated or obvious because it does not disclose or suggest detection of signals from only a certain partial volume of the workpiece. Instead the workpiece teaches illumination of the entire volume of the workpiece as it moves past the light sources. The present advantages benefits from illumination of only a partial volume in order to determine the location of the defect or fault more easily.

Also the Gebrauchsmusterschrift itself was only published on June 5, 2003, but the priority date of 10/812,161 is April 4, 2003, the application date of 103 16 707.2 in Germany. However there is an earlier reference DE 101 02 557.2 with the same subject matter, which has a disclosure date of August 1, 2002.

**INFORMATION DISCLOSURE CITATION***(Use several sheets if necessary)*

Docket Number (Optional)

2903

Application Number

10/812,161

Applicant(s)

GERSTNER, K., ET AL

Filing Date

03/29/2004

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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6,437,357 B1	08/20/2002	WEISS ET AL			
		6,151,125	11/21/2000	MITSUHASHI			

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
		201 21 763 U1	06/05/2003	DE (STATEMENT OF REL.)				✓

OTHER DOCUMENTS*(Including Author, Title, Date, Pertinent Pages, Etc.)*

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.